United Nations A/54/160

General Assembly

Distr.: General
6 July 1999

Original: English

Fifty-fourth session
Item 76 (f) of the preliminary list*

General and complete disarmament: small arms

Note by the Secretary-General

By its resolution 53/77 E of 4 December 1998, operative paragraph 5, the General Assembly requested the Secretary-General to initiate a study as soon as possible, within available financial resources and with any other assistance provided by Member States in a position to do so, on the feasibility of restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States.

Pursuant to that resolution, consultations were held with a group of qualified experts to examine the feasibility of carrying out a study on restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States. The outcome of those consultations is contained in the attached report (see annex).

* A/54/50.

99-20018 (E) 130799

Annex

Report of a consultative meeting of experts on the feasibility of undertaking a study for restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States

Contents

		Paragraphs	*Page*
I.	Introduction	1–3	3
II.	Scope of the proposed study	4–12	3
III.	Sources of information	13–16	4
IV.	Existing state of access to and reporting of information	17–22	4
V.	Findings	23–24	5

I. Introduction

1. A consultative meeting of experts was held at United Nations Headquarters on 20 and 21 May 1999 to assist the Secretary-General in ascertaining the feasibility of undertaking a study for restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States. The experts were invited in their individual capacity.

2. The following experts participated in the consultative meeting:

Bjorn Hagelin (Stockholm International Peace Research Institute, Sweden)

Keith Krause (Strategic Studies Programme, Graduate Institute of international Studies, Switzerland)

Jakkie Potgieter (Institute for Security Studies, Pretoria)

Brian Wood (British American Security Information Council, London; also affiliated to Norwegian Initiative on Small Arms Transfers, Oslo)

Robert Wall (Firearms and Explosives Unit, Interpol, France)

3. The discussion of the meeting is reported below.

II. Scope of the proposed study

4. The terms "manufacturers" and "dealers" are generally used in the following sense. Manufacturers develop, make, assemble, repair or convert small arms and light weapons and ammunition (and components). Manufacturing operations in many cases involve co-production and other licensing arrangements. Dealers in arms are engaged in at least three major types of commercial activity:

(a) Retailers and wholesalers who buy and sell arms;

(b) Brokers who arrange arms deals, i.e., who materially benefit from facilitating a deal;

(c) Transportation agents who arrange the delivery of arms, i.e., who ensure the transport to complete the deal.

5. State authorization of the legitimate activities of arms dealers requires that all three types be effectively regulated. The study should refine appropriate definitions of manufacturers and dealers, including brokers and other individuals and entities involved in international arms transfers.

6. The study should cover the possibility and desirability of licensing and/or regulating the activities of all participants in the production and international transfer of small arms and light weapons and ammunition, including not only manufacturers and dealers but also brokers, transportation agents and financiers. In particular, the different roles and responsibilities of dealers, brokers, transportation agents and financial institutions need to be clarified, especially with a view to finding promising points for policy initiatives.

7. The study should include an examination of available models of state regulation of arms brokering and transportation agents, in particular the registration or licensing of legitimate manufacturers, dealers and brokers, and export licensing and end-use certification for individual international transfers.

8. However, there is growing evidence that significant quantities of arms entering the worst affected regions of armed conflict and human-rights abuse are being transferred there through circuitous routes by arms brokering and transportation agents who have shown themselves to be capable of operating regardless of United Nations mandatory arms embargoes. In addition, although the international community has agreed to exercise restraint and caution when considering arms transfers that may contribute to excessive and destabilizing accumulations of small arms and light weapons and ammunition, there is an increasing body of evidence to suggest that such restraint and caution continues to be undermined by agents brokering and transporting arms from third countries where the authorities currently lack the capacity to properly control arms stocks and transfers.

9. Countries subject to weak export and import controls, vague legal definitions, poor licensing procedures, corruption and a lack of capacity to enforce customs controls provide unscrupulous arms brokering and transportation agents with an opportunity to move arms along clandestine supply routes. These arms brokers and transportation agents, who supply recipients in conflict zones, will try not to directly contravene national laws, at least where they know law enforcement agencies have the capacity to bring this legislation to bear. They are usually able to use foreign "flags of convenience" in their transportation and financing operations, and are able to launder the proceeds from their arms dealings in offshore tax-haven accounts, constantly registering and closing down front companies.

10. The study should cover the production and international transfer of not only small arms and light weapons and ammunition but also parts and components thereof, just as it should examine the manufacture of new weapons and existing stocks available for international transfer. Similarly, it should cover not only the authorization and licensing of the overall activities of participants in the

production and international transfer of small arms and light weapons and ammunition but also the mechanisms for licensing specific transactions.

11. The study should explore (perhaps in cooperation with particular States or through case studies) different national and/or regional systems of regulation, licensing and reporting with a view to promoting the standardization and harmonization of such systems. Comparisons with other regulatory mechanisms for analogous markets (such as the transport of toxic wastes and hazardous products, the regulation of securities and financial markets and institutions, the marking and tracing of weapons and other commercial goods, and treaty instruments containing provisions for judicial cooperation or extraterritorial jurisdiction) should also be examined.

12. Finally, the study should explore the ways and means by which the information generated through national or international licensing and registration schemes could be used in information-exchange and transparency mechanisms, to monitor the compliance of participants in the production and international transfer of small arms and light weapons and ammunition with national and international obligations, and to sanction non-compliance.

III. Sources of information

13. There is a significant quantity of systematic data potentially available to the United Nations and Member States for aggregate analysis regarding the manufacture of small arms and light weapons and ammunition in most Member States. The only weakness in the coverage of such data for the purposes of the proposed study may be the lack of systematic information on small workshops, backyard manufacturers and other itinerant producers of small arms and explosives.

14. There are also a number of research institutes that to a greater or lesser degree collect and store primary source data on small arms manufacturers. Some of that information appears to be quite comprehensive and reliable. For the purposes of the proposed study, such sources should also be consulted.

15. Many government authorities are likely to hold reliable information on wholesalers and established retailers of small arms, and some may hold similar information on brokering and transportation agents. The study should in any case seek to establish the extent of such information.

16. It appears that many officially recognized commercial associations and respected research institutes also hold relevant and reliable information on all three types of dealers, as do individual researchers known to the United Nations. The study should therefore also seek to gather such information, including in the form of reliable case studies, especially since that would enable consideration of the extent of state regulation of arms dealers.

IV. Existing state of access to and reporting of information

17. Most Member States have some information about manufacturers and dealers operating under their jurisdiction. In most cases, government authorities dealing with law enforcement, national defence and commerce and industry to a greater or lesser degree routinely hold information on manufacturers of small arms and light weapons within their jurisdiction, and data from such information has been shared with Interpol and other international organizations. The study should secure the cooperation of the relevant government authorities and of Interpol to receive and analyse data on such manufacturing.

18. In addition, manufacturers in many Member States have formed associations and provide data to such associations, as well as to a few marketing agencies. Those associations and agencies may be in a position to consider the provision of information to the United Nations provided such data do not jeopardize commercial confidentiality.

19. Recognizing that the unrestricted proliferation of small arms and light weapons and ammunition can pose a threat to international peace and security, the study should explore ways in which information about manufacture, trade and transit can be made available through an appropriate mechanism and database.

20. Information on arms dealers appears to be less readily available, partly because of the ease with which individuals and companies can buy, sell, broker and arrange the delivery of small arms in many Member States. However, the apparent relative lack of regulation is also a strong reason why the available data on such dealers should be part of the proposed study.

21. At the moment, however, there is little information publicly available on either official or private international transfers and sales of small arms. Relatively good information on major manufacturers is available, but less information is available on licensed production and dealers. With regard to transportation agents, brokers and financiers, very little information is available. Information is, where reported, normally given in aggregate form (either monetary

value or weight), not specified to types or quantities of weapons.

22. Measures to restrict the manufacture, trade and transit of small arms to authorized entities will involve enhanced transparency and information-sharing. The study group should therefore explore specific mechanisms to report and monitor such information. Due regard should be given to the issue of commercial confidentiality, although in the view of the group this does not pose an insurmountable obstacle to enhanced transparency and information-sharing.

V. Findings

23. The consultative meeting of experts concluded that a study for restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States is both feasible and desirable, and could help Member States and the international community to promote national and international efforts in addressing the proliferation of small arms and light weapons. Such a study need not be excessively time-consuming or detailed, and could clarify some important technical and legal issues as well as offer recommendations for concrete measures.

24. Given the specialized and technical nature of the subject matter, it is important that appropriate expertise be harnessed for the proposed study.

United Nations A/54/161

General Assembly

Distr.: General
7 July 1999
English
Original: Arabic/English/Spanish

Fifty-fourth session
Item 76 (p) of the preliminary list*
General and complete disarmament: follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Note by the Secretary-General

Contents

	Page
Introduction	2
Information received from Governments	2
Cuba	2
Mexico	3
Saudi Arabia	4

* A/54/50.

99-20133 (E) 190799 200799

Introduction

1. In its resolution 53/77 W of 4 December 1998, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*", the General Assembly requested all States to inform the Secretary-General of the efforts and measures they had taken on the implementation of the resolution and nuclear disarmament, and requested the Secretary-General to apprise the Assembly of that information at its fifty-fourth session.

2. Pursuant to that request, information has been received thus far from Cuba, Mexico and Saudi Arabia. Canada submitted a "nil" reply. Any additional information received from Member States will be issued as addenda to the present report.

Information received from Governments

Cuba

[Original: Spanish]

[27 May 1999]

In various international forums, Cuba has expressed its unequivocal position in favour of the complete elimination of nuclear weapons and has taken action, both in the Conference on Disarmament, the sole multinational forum for negotiation on disarmament, and in the General Assembly of the United Nations, with a view to attaining that objective.

However, it is important to draw attention to the proposal of 28 delegations to the Conference on Disarmament that are members of the Group of 21, including the delegation of Cuba, for a programme of action for the elimination of nuclear weapons. Furthermore, in the same forum, 26 delegations that were also members of the Group of 21, and which also included the delegation of Cuba, proposed a broad mandate for an ad hoc committee on nuclear disarmament.

The clear intention of both proposals was that a start should be made on negotiations in the Conference on Disarmament concerning nuclear disarmament, an objective to which the international community has assigned the highest priority.

However, those initiatives were not accepted by one group of countries which did not demonstrate the necessary political will to make progress towards the attainment of nuclear disarmament and which, on the contrary, as recent events have shown, reaffirm their attachment to military doctrines entailing the possible use of nuclear weapons as part of the defence strategy of the military alliance to which they belong.

Each year, at the sessions of the General Assembly, Cuba participates actively in the debates concerning the resolutions submitted on the subject of nuclear weapons, and supports the vast majority of those texts.

Just two examples of resolutions adopted by the General Assembly of the United Nations may be cited. Cuba was a co-sponsor of resolution 53/77 X entitled "Nuclear disarmament", which among other things, reiterated its call upon the nuclear-weapon States to undertake the step-by-step reduction of the nuclear threat and to carry out effective nuclear disarmament measures with a view to the total elimination of those weapons within a specified framework of time.

The same resolution also called upon all States to conclude an internationally and legally binding instrument to give assurances to non-nuclear-weapon States of the non-use and threat of use of nuclear weapons. In our opinion, these security assurances must be universal and unconditional.

Similarly, and as a further example, Cuba joined the countries that voted in favour of resolution 53/77 Y entitled "Towards a nuclear-free world: the need for a new agenda", as it considers that that text may contribute, as part of a wider set of other initiatives and actions, to the promotion of the priority disarmament objective, namely nuclear disarmament.

Lastly, we consider it important to emphasize that the Movement of Non-Aligned Countries, to which Cuba has the honour to belong, has traditionally, both at its conferences of heads of State or Government and at its ministerial meetings, appealed consistently to all States to engage, once and for all, in negotiations to enable the objective of the total elimination of nuclear weapons to be attained.

Mexico

[Original: Spanish]

[25 June 1999]

As it has previously informed the Secretary-General of the United Nations, the Government of Mexico, being convinced that the only comprehensive defence against the possible use of weapons is their total elimination — as stated in the report of the Canberra Commission — is continuing its efforts to follow up the undertaking made by the Member States as contained in the Final Document of the Tenth Special Session of the General Assembly devoted to disarmament in 1978.

Mexico remains convinced that it is incumbent on all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control as provided in resolution 53/77 W entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons" adopted on 4 December 1998 by the General Assembly of the United Nations at its fifty-third session.

Similarly, in various disarmament forums, Mexico has reiterated the need to establish international machinery to achieve the total elimination of nuclear weapons.

With the same objective, Mexico supports the appeal of the General Assembly to all States to commence multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

As a further measure designed to support the process of nuclear disarmament, Mexico has undertaken various actions with a view to giving effect to resolution 52/38 O entitled "Advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons" adopted by the General Assembly at its fifty-second session, which was co-sponsored by Mexico during the fifty-third session as resolution 53/77 W.

Similarly, on 9 June 1998, Mexico, together with Brazil, Egypt, Ireland, New Zealand, Slovenia, South Africa and Sweden, made the joint declaration on nuclear disarmament entitled "Towards a nuclear-weapon-free world: the need for a new agenda" which sets out an action plan for nuclear disarmament (A/53/138, annex). Resolution 53/77 Y entitled "Towards a nuclear-weapon-free world: the need for a new agenda" was submitted with

the same end in mind and was adopted by the General Assembly on 4 December 1998, having been co-sponsored by 22 further countries from different regions of the world.

In the context of the Conference on Disarmament, Mexico supported the initiatives to define the mandate of the working group on nuclear disarmament, as well as the negotiation of an international legal instrument on negative security assurances. Furthermore, Mexico notes with regret the persistent opposition to initiatives for the establishment of an ad hoc committee on nuclear disarmament charged with developing a convention on the banning of nuclear weapons in accordance with the proposal contained in document CD/1501.

Mexico notes with concern the recent holding of nuclear tests, the launching of missiles, the proliferation of States with a nuclear capacity, the conduct of subcritical and/or simulation tests, the announcements on the restructuring of defence programmes and the fact that only two nuclear-weapon States have ratified the Comprehensive Nuclear-Test-Ban Treaty. Similarly, the Government of Mexico considers that those events have delayed, and might also jeopardize, what has been achieved in pursuit of the objective of eliminating any possibility of the threat or use of nuclear weapons.

Saudi Arabia

[Original: Arabic]

[7 May 1999]

I have the honour to inform you that the Kingdom of Saudi Arabia does not own, develop, produce, test, deploy, stockpile, transfer, threaten to use, or use weapons of mass destruction in general, or nuclear weapons in particular. It reiterates its firm rejection of weapons of mass destruction of all kinds and affirms that the continued existence of nuclear weapons poses a threat to all mankind, that their use would have consequences for the Planet Earth, and that safety from such a disaster lies in the complete elimination of weapons of mass destruction in general, and of nuclear weapons in particular. It categorically states yet again that it does not produce them. Furthermore, it affirms its commitment to efforts to achieve the complete elimination of nuclear weapons and to establish a world free of nuclear weapons for the attainment of peace, security and justice throughout the world.

United Nations A/54/162

General Assembly

Distr.: General
7 July 1999

Original: English

Fifty-fourth session
Item 80 of the preliminary list*
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the Secretary-General

1. In its resolution 53/81 of 4 December 1998, the General Assembly called upon the Secretary-General, in his capacity as depositary, to continue to inform it periodically of the status of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Protocols.[1]

2. Pursuant to that request, the Secretary-General submits herewith information on the status of the Convention and its Protocols as at 15 June 1999:

(a) The following 73 States were parties to the Convention and at least two of its Protocols: Argentina, Australia, Austria, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Niger, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan and Yugoslavia;

(b) In accordance with article 8, paragraph 1 (b), of the Convention, Amended Protocol II entered into force on 3 December 1998. As of 15 June 1999, 37 States had notified their consent to be bound by it;

* A/54/50.

99-20139 (E) 120799

(c) In accordance with the provisions of article 5 of the Convention, Protocol IV entered into force on 30 July 1998. As of 15 June 1999, 39 States had notified their consent to be bound by it.

3. The Secretary-General also submits, in the annex to the present report, information on the action taken in the period under review, that is, from 16 June 1998 to 15 June 1999.

Notes

[1] The Convention, with its Protocols — the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) — was opened for signature on 10 April 1981 and entered into force on 2 December 1983. The Review Conference of the Parties to the Convention, convened in Vienna from 25 September to 13 October 1995 and in Geneva in resumed sessions from 15 to 19 January and from 22 April to 3 May 1996, adopted the Protocol on Blinding Laser Weapons (Protocol IV) on 13 October 1995 and amended Protocol II on 3 May 1996.

The text of the Convention and its original Protocols is reproduced in *The United Nations Disarmament Yearbook*, vol. 5, 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII, and in *Status of Multilateral Arms Regulation and Disarmament Agreements*, fourth edition, 1992, vol. 1 (United Nations publication, Sales No. E.93.IX.11). The texts of amended Protocol II and Protocol IV are reproduced in *Status of Multilateral Arms Regulation and Disarmament Agreements*, fifth edition, 1996 (United Nations publication, Sales No. E.97.IX.3).

Annex

Action taken during the period from 16 June 1998 to 15 June 1999

A. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its three Protocols

State	*Ratification, acceptance (A) approval (AA) accession (a) or succession (s)*	*Consent to be bound pursuant to article 4, paragraphs 3 and 4 Protocols*		
		I	*II*	*III*
Costa Rica	17 December 1998 (a)	X	X	X

B. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996 (Amended Protocol II)

State	*Consent to be bound*
South Africa	26 June 1998
France	23 July 1998
Austria	27 July 1998
Czech Republic	10 August 1998
Uruguay	18 August 1998
Argentina	21 October 1998
China	4 November 1998
Bulgaria	3 December 1998
Costa Rica	17 December 1998
Italy	13 January 1999
Greece	20 January 1999
United Kingdom	11 February 1999
Pakistan	9 March 1999
Belgium	10 March 1999
Netherlands	25 March 1999
Portugal	31 March 1999
United States	24 May 1999

C. Protocol on Blinding Laser Weapons (Protocol IV)

State	*Consent to be bound*
South Africa	26 June 1998
France	30 June 1998
Austria	27 July 1998
Czech Republic	10 August 1998
Uruguay	18 August 1998
Argentina	21 October 1998
China	4 November 1998
Bulgaria	3 December 1998
Costa Rica	17 December 1998
Italy	13 January 1999
United Kingdom	11 February 1999
Belgium	10 March 1999
Netherlands	25 March 1999
Mongolia	6 April 1999